

### **REMARKS/ARGUMENTS**

The Office Action of March 21, 2005, has been carefully reviewed and these remarks are responsive thereto. Claims 1-26 have been canceled. Claims 27-46 remain pending. Reconsideration and allowance of the instant application are respectfully requested.

Initially, Applicants thank the Examiner for the indication that claims 31, 37, 42-43, and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 38 has been amended to further clarify the scope of protection of the claim. No new matter has been added with the amendment.

Claims 27-30, 32-36, 38-41, and 44-45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hurren et al. (U.S. Patent No. 6,788,681, hereinafter *Hurren*). Applicants respectfully traverse this rejection.

*Hurren* is a reference with a filing date of February 25, 2000. *Hurren* claims priority to a U.S. Provisional Application No. 60/183,049 that was filed December 30, 1999. *Hurren* further claims priority as a continuation-in-part application to U.S. Application No. 09/270,733 (hereinafter referred to as the *Hurren priority non-provisional*) that was filed March 16, 1999. Still further, the face of the *Hurren* patent indicates that *Hurren* claims priority as a continuation-in-part application to U.S. Application No. 09/475,042 that was filed December 30, 1999. However, the Public PAIR website at the U.S. Patent and Trademark Office website fails to identify U.S. Application No. 09/475,042 as a parent to the *Hurren* patent and further fails to publicly disclose U.S. Application No. 09/475,042. Appendix A is a copy of the Application Data and the Continuity Data of *Hurren* as obtained from the Public PAIR website on the U.S. Patent and Trademark Office website. In any event, the face of *Hurren* indicates a filing date of December 30, 1999, for U.S. Application No. 09/475,042.

Based on the provisional application to which the present matter claims priority, Applicants antedate *Hurren* and the priority date of December 30, 1999. The present invention claims priority to U.S. Provisional Application Serial No. 60/151,563, which was filed in the U.S. Patent and Trademark Office on August 31, 1999. Thus, in order to anticipate claims 27-

App. No.: 09/653,201  
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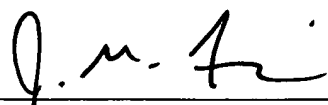
30, 32-36, 38-41, and 44-45 of the present application, any subject matter cited in *Hurren* must be fully supported (i.e. disclosed) in the *Hurren priority non-provisional*. For the convenience of the Examiner, Applicants include a copy of the *Hurren priority non-provisional*, U.S. Application Serial No. 09/270,733, as it was obtained from the Public PAIR website at the U.S. Patent and Trademark Office website as Appendix B.

Applicants submit that the *Hurren priority non-provisional*, filed March 16, 1999, fails to provide support for substantial material cited in the office action. As a result, portions of the subject matter relied upon in *Hurren* are not prior art, and therefore do not preclude patentability under 35 U.S.C. § 102(e). The rejection is mooted by the failure of the *Hurren priority non-provisional* to support the subject matter identified in the Action. Accordingly, Applicants submit that *Hurren* does not constitute prior art to the rejected claims. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e).

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. No fee is believed due, however, if any fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,  
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